

JC03 Rec'd ST/PTO 06 OCT 2005 *PK*

PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

10/519,181

Filing Date

December 21, 2004

First Named Inventor

Richard Walmsley

Art Unit

Not yet assigned

Examiner Name

Tamala D. Holland

Attorney Docket Number

30276.04004

### ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☒

Reply to Missing Parts/  
Incomplete Application

☐

Reply to Missing Parts  
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a  
Provisional Application

☐

Power of Attorney, Revocation  
Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

☐

After Allowance Communication to TC

☐

Appeal Communication to Board  
of Appeals and Interferences

☐

Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify  
below):

- Return Receipt Postcard
- Check for \$65.00

SEE REMARKS

#### Remarks

- Response to Notification of Missing Requirements Under 35 U.S.C. 371 (1 pg)
- Declaration & Power of Attorney (2 pgs)
- Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the  
United States Designated/Elected Office (DO/EO/US) dated 08/04/2005 (2 pgs)

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

24024

Signature

*Brian E. Kondas*

Printed name

Brian E. Kondas

Date

October 4, 2005

Reg. No.

40,685

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

*Marianne C. Crimaldi*

Typed or printed name

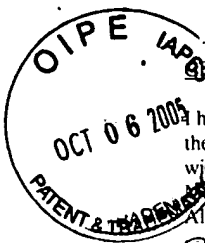
Marianne C. Crimaldi

Date

October 4, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited on this, the 4th day of October, 2005 with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313.

*Marianne Crimaldi*

Marianne Crimaldi

Customer Number

**24024**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Richard Walmsley )

) Examiner: Tamala D. Holland

Serial No.: 10/519,181 )

) Art Unit: Not yet assigned

Filed: December 21, 2004 )

) Confirmation No.: 6821

For: **LASER BEAM HOMOGENISERS** )  
**IN MEDICAL APPLICATIONS** )

) Attorney Docket No.: 30276/04004

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated August 4, 2005, Applicants respectfully submit a fully executed Declaration and Power of Attorney. A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 received from the Patent Office is also enclosed.

A check in the amount of \$65.00 is enclosed to cover the surcharge for Missing Parts. If additional fees are required please charge them to our Deposit Account No. 03-0172. Please credit any overpayment to same Deposit Account.

10/11/2005 MKAYPAGH 00000088 10519181

01 FC:2617

65.00 DP

Respectfully submitted,

Date:

*October 4, 2005*

*Brian E. Kondas*

Brian E. Kondas, Reg. No. 40,685  
216/622-8308



Case Number	Ctry	Sub Case	Action Due	Due Date
30276/04004	US	MISSING PARTS	1ST EXTENSION	04-Oct-2005
Type: US-MISSING PART				04-Nov-2005
				04-Dec-2005
				04-Jan-2006

U.S. APPLICATION NUMBER NO.	FIRST EXTENSION DUE DATE	ATTY. DOCKET NO.
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10/519,181

FINAL MISSING PARTS

04-Mar-2006

30276/04004

INTERNATIONAL APPLICATION NO.

PCT/AU03/00791

I.A. FILING DATE

PRIORITY DATE

06/25/2003

06/25/2002

Verified

BELL

24024  
CALFEE HALTER & GRISWOLD, LLP  
800 SUPERIOR AVENUE  
SUITE 1400  
CLEVELAND, OH 44114

CONFIRMATION NO. 6821

371 FORMALITIES LETTER



\*OC000000016668030\*

Date Mailed: 08/04/2005

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/21/2004
- Copy of the International Search Report filed on 12/21/2004
- Preliminary Amendments filed on 12/21/2004
- Information Disclosure Statements filed on 03/07/2005
- U.S. Basic National Fees filed on 12/21/2004
- Priority Documents filed on 12/21/2004

DOCKETED

AUG 11 2005

T.A. IP. Dept.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

RECEIVED

AUG 11 2005

D.C. IP. Dept.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/519,181	PCT/AU03/00791	30276/04004

FORM PCT/DO/EO/905 (371 Formalities Notice)